

Meeting of 2000-8-22 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 22, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell,
Presiding Also Present:
 Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:00 p.m. by Mayor Powell. Invocation was given by Pastor Fred Whited, Rogers Lane Church of God, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James H. Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO RODNEY GILLIAM, SOLID WASTE DISPOSAL DIVISION, PUBLIC WORKS DEPARTMENT

Mike Shaw, Deputy Director, Public Works Department, introduced Rodney Gilliam as Employee of the Month, and recognized his family in the audience. Gilliam has worked for four and a half years at the landfill, does an outstanding job and works many hours of overtime in difficult conditions inherent in landfill operation. Gilliam expressed appreciation to his co-workers, many of whom were in the audience. Mayor Powell commended Gilliam for his work, which was recognized by his peers who nominated him for the award. The City's Certificate of Honor, commemorative plaque from T & S Printing, and two days of non-chargeable leave were presented to Gilliam.

PRESENTATION OF REPORT FROM MUSEUM OF THE GREAT PLAINS

Richard Welch, Museum Director, reviewed the report in the agenda folder. Highlights were as follows: 40,000 visited the Museum; reaccreditation visiting team will be here in September; asbestos abatement is complete and put backs are almost complete; stable funding and grant applications are being pursued; membership rose from 350 to 472 and the goal is 1,000; progress within the five-year strategic plan is on track; living history events continue and Lawton Public Schools will co-sponsor; two-year exhibit schedule is available; development director will be hired to promote funding, build the endowment and other projects; assist with Lawton's Centennial Celebration and have a re-creation of Lawton in 1901. The Mayor and Council expressed appreciation for the work done at the Museum.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF AUGUST 8, 2000.

MOVED by Smith, SECOND by Hanna, for approval of the minutes. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

The following comments are inserted verbatim:

"Boyd: My name is Stephen Boyd, P. O. Box 3482, Lawton, Oklahoma. Mayor, City Council, City Manager and other distinguished City employees, I am hereby formally requesting that the City Council consider appointing a cable commission. I am formally requesting in writing a response to two questions; what City department or City official directly

handles the ordinances pertaining to 10 11, and verify why the franchise agreement between, or verify if the franchise agreement between Lawton Cablevision and the City are being enforced. That's it, I've requested this before and haven't got a response yet so I just thought I'd give an update, we had requested it, my wife and I, about two months ago and haven't heard anything.

Mayor: And the two things you are requesting are who enforces the ordinance?

Boyd: Yes. What City department or City official enforces ordinance section 10 11. I have it written down, Mr. Mayor, if I can give it to someone, who would I...

Mayor: Thank you, sir. Thank you, Mr. Boyd." (end verbatim portion)

Monica Brinkley, 2707 NW 14th Street, said she was speaking on behalf of concerned residents and taxpayers in her neighborhood on two issues, the first being forever closing access to their property through a City park, and the second being the opening or replacing of park equipment that was removed due to vandalism, uncontrolled gang and drug activity that jeopardized the safety of their children, and resulting decrease in property value of the homes in the neighborhood.

Brinkley said in the late 1970's a sign was erected stating vehicle access to the park was restricted; after numerous objections from the neighborhood, it was removed by the City to allow for that access. She said they occasionally require access through the park, and after having access for all of these years, it is being closed by the City Council. Brinkley read 23-5-530 of the City Code concerning this matter. She said there is a concrete driveway into the park and felt the ordinance would allow her to access her property through the park; there is not a barrier, sign or other device indicating vehicular traffic is prohibited at this time. Brinkley said if vehicular traffic is prohibited, it should include all of the utility companies. She asked that Council reconsider restricting access and that they be given an alleyway and the City put up a fence around the park if they decide against the homeowners; if a gate is placed across the Carroll Drive entrance, the homeowners should be allowed to check out a key on the occasions where they require access.

Brinkley said regarding the reopening of Hidden Park, or Carroll Park, she and other residents are concerned. She said her father, former council member Vic Ramirez, and other residents requested the park equipment be removed due to vandalism, a fire that was set back there; at the time the equipment was removed, the park had the highest rate of vandalism in the City on park equipment. Equipment was urinated and defecated on and the neighborhood had to clean up the mess. Brinkley said this activity jeopardized the safety of the children and property values; Hidden Park is so secluded that it cannot be seen from a roadway. She said from January to July 2000 their zone was the highest in crime reports of the entire city. Brinkley said the park is not safe without supervision, and that Councilman Hanna had told her that the area would be patrolled through Community Oriented Policing, but Officer Rodriguez told her their patrol area ends at Lincoln, which is blocks away, although they may assist if called. She said the residents should have a say of what goes on in their neighborhood.

Shanklin said others speaking after three minutes were asked to stop and lawsuits had been threatened as a result. He said Brinkley has spoken for seven or eight minutes and needed to wind it up. Brinkley said she was speaking for 32 people who had signed a petition. Mayor Powell asked that the comments be concluded.

Brinkley requested a public hearing be held or a public vote of the people before money is wasted on the park only to find that the equipment must be removed again and she and everyone is concerned for the safety of the children in the park. She presented a petition and crime information in this regard.

Purcell said he understood they wanted the park open for access. He asked if they want park equipment. Brinkley said they are not totally objecting to the equipment but there was concern for the safety of the children due to the history of the park. She said they did not want the equipment put in until they could do a study and find out if it is a good thing; other areas such as 15th and Taft, could have the equipment and it is open on all three sides giving good visibility for the police.

Hanna said Officers Rodriguez and Nooner are present tonight, they work in the COP's program and are available to help if there are problems in this neighborhood or in the park. He said they are stationed at Taft Elementary School and officers were not previously dedicated to the neighborhood in this manner. Hanna said these officers have made many arrests lately at the 15th and Taft park, and they have also been patrolling Hidden Park. Brinkley said their patrol area stops at Lincoln, which is blocks away, and that she had called Rodriguez on Friday but did not get a call back and had to call again on Monday.

Hanna said he observed 15 children playing in the street on Carroll Drive and he did not want to have to tell a parent that their child had been run over by a car because they were playing in the street because there was no where else for them to play. He said the park is designed for the children. Brinkley said they need a safe park and did not want a child to be harmed, killed or abducted in the park.

Smith said if a gate is put up, giving the residents a key for access would be a great idea for access and for emergencies. He asked if that could be done and if the plan is to block the access to vehicles. Mayor Powell said Devine addressed this at the last meeting and something was to be done for everyone, if a change was to be made. Devine said park access should be allowed for everyone through an ordinance, if Council agrees, but it must be uniform, and they would not be able to determine which vehicles could have access and which could not. Smith suggested the gate not be put up.

Baker said a similar situation was discussed at the last meeting regarding access to private property through a park; a legal way has not been found for residents to have access across a park and it must be consistent if the situation is the same, which may depend on how the City got ownership of the property. He will continue to work with the City Attorney to try to resolve the issue.

Smith said he would reiterate that the gate should not be put up, and that was not encouraging anyone to violate any ordinance.

Baxter said he felt the ordinance that was read may allow for access they have had in the past to continue.

Vincent said the dedication of this park and the one on Columbia were slightly different; the park on Columbia has access off of a street. He said the path being called a street is shown as a walkway only on the plat dedication for Hidden Park. Discussion was held on the access points. Vincent said there is no dedicated, paved vehicular access point into the park.

Mayor Powell asked if other speakers had anything additional to offer.

Ann Andrus said she had lived adjacent to the pathway that was paved to allow access to the park, and still lives on Carroll Drive. She said the park has always been a problem and in the past, some children had played there, in addition to the elementary school having ball practice. Andrus said it is not a safe place due to drug abuse and those who come there do not do so to play in the park. She said it is not safe for children to play on Carroll Drive, which is a through street, but they are not safe in the park either. Andrus said all of the utility companies use the park for access to their facilities. Andrus said she served on the Park Board when the 11 p.m. curfew was passed to assist the police with problems in parks, and was not aware a gate could be put in because one had been requested on 38th Street and the response was it could not be locked.

Devine suggested he and the City Attorney work on an ordinance amendment to allow access for those who need it to their property, including utility companies. He said the neighborhoods could possibly get permits from City Hall to have access a couple of times a year to their property through the park.

Smith suggested Council ask staff to not put a gate across the ten foot walkway, pathway, in Hidden Park until this matter is cleared up.

Anthony Raite, 1234 NW Carroll Drive, said the majority of the residents around Hidden Park are senior citizens, including himself. He said Brinkley's history of the park is correct, the senior citizens need to be protected and equipment should not be placed in the park that would attract an undesirable element.

BUSINESS ITEMS:

1. Hold a hearing to consider an appeal concerning the Administrative Order on 1711-1/2 SW E Avenue and affirm, reverse or modify the Administrative Order. Exhibits: Administrative Order; Letter of Appeal.

Dan Tucker, Building Development Division, said he received a notice that this property had high grass and weeds growth, it was on a television news story, and he observed the grass was higher than the fence when he drove by the following morning. He said he initiated a complaint and assigned it to an inspector. Tucker said the inspector stated to him that he was familiar with the property, knew who owned it and would contact the owner and go through the complaint process. He said the process is to do legal research, send out an administrative notice and post the notice; if the owner takes care of the property, the notice is posted anyway so if it is in violation during the next six months, it can be summarily abated without further notice. This property was mowed by the owner, who also removed the debris and a refrigerator.

Mayor Powell asked how long the property had been vacant. Tucker said he knew it had not been occupied since August 1997 and the owner keeps it secured. Shanklin said Ms. Graham is the owner and it has not been occupied for 15 years; the trash on the property is coming from someone else because the property is not occupied. Shanklin said he and the Mayor both turned this in, and when he did so he learned that the word "out" means it is a different inspector's area. Shanklin said the property was cleaned when he went by, and the property at 1407 Dearborn had a 6/15/99 administrative order that we did nothing about so he did not know if this would be similar. Shanklin said he understood a new statute was passed on how long a house could be boarded up but did not recall any such items coming before Council.

Purcell said if the administrative order stays in place, it can be turned over for mowing immediately with no further notice procedure. Tucker agreed. Purcell said if it is repealed, the procedure must be repeated but the administrative order has no other effect at this point.

Shanklin said he had an e-mail showing this same property will be brought back September 12 for condemnation. He said he was not interested in abating the administrative order and suggested Ms. Graham be heard, although the order has no effect if the property does not become overgrown again. He said since it has come up for condemnation, the owner will likely repair it, sell it or move it off.

Devine said a motion may be needed that any time properties are brought to this stage that the administrative order should not be removed; there would be no fine involved. He said it would help to be able to place the information in a computer to show if there is a standing order on a property. Tucker said they anticipate putting that software into place. Shanklin asked if it was in place now and Tucker said no. Baker said this will be in the Neighborhood Services function and all requests

and complaints will be placed into the computer immediately upon receipt, tracked and monitored, and staff will be able to provide information; the software was not used this summer for various reasons. Baker said the new supervisor will begin work the day after Labor Day and will be tasked as a priority to get the computer software running.

Baxter suggested Ms. Graham be recognized. Mayor Powell opened the hearing.

Chung Graham, appellant, said Al Franz, inspector, wrote her a letter saying the grass was high; he called her at 8 a.m. on August 2 to tell her the grass was high and she told him it had been cut the night before. Graham said on August 3 at 11 a.m. Franz called to tell her to remove the trash and refrigerator and she said her contractor would not be home until late and that she would take care of it; the trash and refrigerator were removed the night of August 3. She said the trash did not come from her place because no one lives there and she has owned it for 23 years; neighbors at 1713 and 1709 throw their trash over and call the inspector. Graham said on August 4 she received a letter from the City inspector telling her to remodel everything inside, then on August 10 she received another letter from the City inspector saying the grass was tall and needed to be mowed and there was trash, which was not true. She said due to the hot weather, the grass cannot grow 12 inches in a week and five days, and she is getting harassed. Graham said the letter of August 10 was not necessary and it threatened to take her to court.

Graham said she was disciplined and would do the right thing, but a couple of days are needed to get work done and that did not mean she was ignoring the order. She said the inspector expected her to do it right then, the next day.

Shanklin asked if Graham understood the property would be considered for condemnation on September 12 and Graham said she understood.

Purcell said there are no fines or anything else involved as long as Ms. Graham keeps the property mowed; if staff finds it needs to be mowed, it will be turned over to the contractor and Ms. Graham will be charged for the costs.

MOVED by Purcell, SECOND by Smith, to deny this appeal. AYE: Devine, Purcell, Shanklin, Haywood, Baxter, Smith, Hanna. NAY: None. ABSTAIN: Moeller. MOTION CARRIED.

2. Consider authorizing the Mayor to execute a letter to the Oklahoma Department of Transportation to request that the Chandler Creek Bridge at Lake Ellsworth be made handicapped accessible for fishing. Exhibits: None.

Shanklin asked Jack Breathwit to come forward to explain the issue.

Jack Breathwit said he submitted a nine-point memo on the Chandler Creek bridge. He said he had taken his 90-year old mother-in-law in a wheelchair across this bridge trying to find a place to take her fishing. Breathwit said a new bridge is being constructed and when he realized this old bridge would likely be torn out, he wanted to try to save it for residents to use. The cost to destroy the existing bridge is \$100,000 and the bid is already let. A wheelchair accessible fishing ramp of any quality would cost another \$100,000 to \$150,000, so there is a large monetary turn around if the bridge can be saved for handicapped fishing access. Breathwit said a child being able to wheel to the bridge and catch a nice fish is exciting; the bridge is over a very productive fishing area and people have fished from it while traffic goes by at 70 mph in a dangerous situation. He asked for help in getting the old bridge to remain in place for fishing access.

Devine asked if this is the bridge north of Porter Hill that goes over Lake Ellsworth. Breathwit said yes. Devine asked if it is a State highway or bridge. Shanklin said it is a State project. Devine asked how hard it would be to get the bridge set aside, and said this is an excellent idea. Mayor Powell said the request is for the City to write a letter to Dr. Gibson and the Oklahoma Department of Transportation requesting this bridge remain and be handicapped accessible.

MOVED by Devine, SECOND by Shanklin, to instruct the City Manager and City Attorney to write the letter for the Mayor's signature. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

3. Consider creating a temporary Highland Cemetery Rules Committee to work with the Highland Cemetery Board in the revision of the Highland Cemetery's Rules and Procedures. Exhibits: None.

Mayor Powell said the item requests Council volunteers to sit with the Cemetery Board. Gary Salva, Parks & Recreation Director, said no more than one or two meetings are anticipated to work out details and complete the policy and procedure manual to present to Council. Council members Smith, Purcell and Moeller volunteered to serve and Mayor Powell appointed them to do so.

4. Consider entering into a professional services agreement to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Letter; Agreement.

Vincent said Mr. Reskovac changed companies and it would be preferable to stay with him; the contract with the company in May was terminated. Mr. Reskovac has relocated to another company and the contract was prepared with that company for Council's consideration. Mayor Powell said he met the owner of the lobbying firm Mr. Reskovac works for right now and the change is beneficial for Lawton.

Purcell said \$2,500 was paid, and the other \$2,500 was not because the contract was terminated. He asked what the City

received for the \$2,500. Mayor Powell said he did not know of anything we had received yet but Abilene, Texas, puts in \$60,000 and expects \$61,000 in return and if they do not get it, the company does not work for them the next year and those are the people we are competing with. Mayor Powell said we have not got anything yet but you cannot get anything if no one is up there working for you.

Purcell said there are a lot of grants available and he wanted to see what we would get for our money in the lobbying contract. He said it might be better to spend money to hire someone to write grants.

Devine said he did not think this was a sufficient amount to spend to get a good return, and suggested a contract be negotiated on a percentage basis; if the firm brought in \$1 million, the City could pay \$100,000 in commission.

Smith said he supported this last time and would continue to do so. He said he agreed with Purcell that there is a need for someone to work exclusively in writing grant applications due to the large amounts of money available. Shanklin said Baker was working on grants for a couple of years. Baker said that was part of his job as assistant manager. Shanklin asked how successful it was. Baker said not real successful but the departments go after a lot of grants and many are received; if someone was 100% dedicated to it, more could likely be received. Shanklin said Reskovac came from Lawton and he would make a motion to enter into the agreement, then if there is an agency or someone else, it would not hurt to have two.

MOVED by Shanklin, SECOND by Devine, that we support this agreement.

Purcell said he was not suggesting the grant writers be City staff members; there are professionals who do this and know about the grants. Baxter said someone already employed by the City should be able to professionally write a grant application. Mayor Powell agreed and said people at Fort Sill also have that expertise, and we are Lawton-Fort Sill. Smith said that Purcell did not say we do not have professionals that can do this, but there are professionals who do this as their sole job and can find grants we know nothing about. Mayor Powell said this is a \$5,000 expense and the Cannon Cocker group thinks he does a wonderful job.

VOTE ON MOTION: AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

5. Consider providing direction regarding upgrading of the gasoline fueling system at Robinson's Landing. Exhibits: Excerpt of 4/4/00 Water Authority Minutes; OCC Letter.

Lynn Struthers, Public Works Department, said the fuel system was purchased by the City when the leased area was purchased; a letter was received prior to the purchase from the Oklahoma Corporation Commission saying the system was acceptable. When the Robinson's Landing restroom project was being done, it was found that the fuel piping was PVC and that is not allowed under either old or new standards. The OCC issued a notice of violation and PVC is to be replaced. Three quotes have been received in the \$13,000 to \$15,000 range to replace the piping; a \$6,000 quote was received to replace the tank. Staff recommendation is to replace everything to the new standards in effect July 15 so a good system will be in place. Bids will be required due to the amount and recommendation was to authorize advertising for bids.

Mayor Powell asked if Council desired to replace the fuel system. Baxter said he felt it was desirable and that he would make a motion to proceed and advertise for bids.

Shanklin asked the amount anticipated. Struthers said \$25,000. Shanklin asked if the lessee would be the recipient of the benefit from this. Struthers said the tanks belong to the City and the lessee would rent them by paying an extra \$50 per month for the fuel tank in the current lease. Shanklin said that is not much of a return for the City. Struthers said it is more of a service for the customers than an economic proposal. Discussion was held on the tank, pipe, special requirements and why the projected cost was so high. One tank will be replaced and the other will be removed; the tank will furnish gasoline for vehicles and boats. Devine and Smith spoke in favor of providing the service. Shanklin asked if a mandate was issued for this to be done this summer. Struthers said to replace the pipe but not the tank; staff recommendation would be to do it all at the same time; funds are available in the Schoolhouse Slough Tank Remediation Project that could be diverted to this project. Purcell said the initial State inspection showed everything was fine and we only find out after the fact, but the service is still needed. Shanklin asked if CIP funds would be used and Mayor Powell said no.

MOVED by Baxter, SECOND by Smith, to approve staff recommendation and proceed with advertisement for bids. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

6. Consider authorizing additional inspectors, one plumbing and one electrical, for the Building Development Division of the Planning and Community Development Department. Exhibits: None.

Devine said he requested the item because at least seven major projects are anticipated to begin soon; inspectors will be gone to school on Thursday, and that is just one reason.

MOVED by Devine, SECOND by Smith, to direct the City Manager to move forward with this.

Baxter said two months ago the Council had a balanced budget and these employees were not part of that budget; 60 days later we can find \$50,500 to hire two more people to do the inspections. He said he did not understand how those funds

could be found when 60 days ago the budget was balanced. Baker said funds for salaries were not lapsed, 1% was lapsed; in previous years, budgets were balanced by lapsing 5%. Baker said he was confident the funds would be available at year's end from lapse funding; the impact on the operating budget is that the projected carry over to support next year's budget will be that much lower, so it is a matter of priorities.

Purcell said it might not even effect the year end carry over because 8.33% of the year is gone and the department has not used 8.33% of the funding provided.

Hanna suggested the inspectors be cross trained to allow for better coverage. Tucker said he would seek a plumbing inspector with mechanical inspector experience, and an electrical inspector with building inspector experience. Tucker said continuing education each year is required to maintain the licenses and he explained the history and method of the education.

Shanklin said the City had two plumbing inspectors in 1989. He said he thought there were five positions but the budget shows six. Tucker said the sixth person is a construction inspector who was transferred when construction inspections were transferred from Engineering.

Shanklin asked about inspection fees collected as shown on a report. Tucker said a \$10 charge is made for items such as water heaters; separate charges are not made for projects where building permits are issued as they are included in the building permit cost.

Shanklin said he asked for the job description of the Code Enforcement Officers, and it stated they perform the duties of housing plans examiner or mechanical, plumbing or electrical inspector as needed. Tucker said if they are qualified to do so, and further explained the duties of Code Enforcement Officer, who would be asked to perform those other duties if qualified. Shanklin said persons with those qualifications would not likely work for the salary shown. Tucker said no. Shanklin said when he read the description he did not think anyone in the City of Lawton would qualify. Shanklin read a list of the duties and Tucker said staff members perform those duties every day. Shanklin said Tucker told him they did not even know how to write a ticket and Tucker said he was showing them how to place the Social Security number in the Social Security block rather than the driver's license block, because they are not necessarily the same thing.

VOTE ON MOTION: AYE: Smith, Hanna, Devine, Purcell, Moeller, Haywood. NAY: Baxter, Shanklin. MOTION CARRIED.

Shanklin said he thought the inspectors should be cross-trained, and all of the jobs together that are anticipated do not match up to the paper plant that is already completed. He said architects draw up the plans and the City should not hire people to find out where the architect made an error; the plans should be accepted with the architect's stamp instead of having a \$24,000 employee trying to tell them they are wrong. Tucker said he would agree if we did not every day find them wrong; when they review plans, they usually find something that needs to be adjusted to meet either the ADA or a span table or something that was overlooked; it is not to say the person reviewing it is as qualified as an architect or engineer, but it is a second set of eyes looking at it before it is put in out in the field and an inspector finds something that must be changed at that point.

Shanklin asked if a digital video could be accepted as an inspection in the future. Tucker said if the State goes along with it; the construction inspection is tightly regulated by the State Health Department. Tucker said they can accept an inspection record from a licensed person or agency, but not from the builder's inspector.

Devine said the inspectors are not out there to inspect the architect's work but the work done by the subcontractors to be sure they comply with what the architect has dictated that is to be in compliance with State law. Shanklin said some architects have their own inspectors. Tucker agreed and said they are to be sure the plans are complied with so a quality product is produced, which is what the City looks for also.

Shanklin asked if it was conceivable to be able to have one man go out to inspect for electrical, mechanical and plumbing. Tucker said yes and he hoped to reach that goal some day, although right now there is no incentive for that as far as additional pay. Shanklin said it would save the City money even if the pay was greater. Mayor Powell suggested staff work toward that goal.

7. Consider transferring meter reading and related functions from the Revenue Services Division in the Finance Department to the Water Distribution Division in the Public Works Department. Exhibits: Memo from Public Works and Finance Directors; Memo from Assistant Director of Water/Wastewater; Memo from Revenue Service Supervisor.

Devine said he would like to table the item; no one made him aware it would be on the agenda. He said he would like to have time to finish his reports and give a financial statement.

MOVED by Devine, SECOND by Purcell, to table this item. AYE: Smith, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. OUT: Hanna. MOTION CARRIED.

8. Discuss Council persons being privy to the hiring and firing of employees. Exhibits: None.

This item is inserted verbatim:

"Shanklin: Mr. Baker, very softly, very quickly, have one or more Council persons been involved in hiring or firing of any City employees? If so, who?

Baker: No.

Shanklin: Have one or more Council persons demand you fire an employee or you loose your job? If so, who?

Baker: Would you repeat that question?

Shanklin: Have one or more Council persons demanded you fire an employee or you loose your job? If so, who?

Baker: Yes.

Shanklin: Who?

Baker: Councilman Shanklin.

Shanklin: When?

Baker: I don't have the exact date.

Shanklin: Who was the person?

Baker: Several.

Shanklin: No, there's only one group. I've only been in to see you on one group and that one group is down there, Code Enforcement, where they don't do their job in Ward Five.

Baker: If you would like me to go get my MFR, I will read you the names, several department directors.

Shanklin: That I said that?

Baker: That you...

Shanklin: If I'll take a lie detector, will you? Will you take a polygraph if I will? And I'll go so far as to say if I named an individual and I can't pass it, I will resign if you will.

Baker: I would have to think about that. If the Council wants me to take a polygraph, I might consider that. If one individual wants me to...

Shanklin: I'd, just tell me one person that you wanted me to, that I wanted you to fire.

Baker: One?

Shanklin: Uh huh. Name me one.

Baker: Gary Salva.

Shanklin: Gary Salva.

Baker: That's one.

Shanklin: All we ever asked you was where did you get him.

Baker: Councilman Shanklin, I answered your question.

Shanklin: Have you got one more than that?

Baker: Yes, I do.

Shanklin: You do?

Baker: Yes, I do.

Shanklin: That if you didn't fire them that I'd fire you?

Baker: That's what I was told.

Shanklin: That I told you?

Baker: Yes you did.

Shanklin: Do you remember the conversation that we had in there the other morning, that's the only time I've been in to see you, that if you're not going to make those people support me in Ward Five, I was going to try and fire you. Did I not tell you that?

Baker: You also told me that, yes sir.

Shanklin: That's the only time I've been in there.

Baker: Many of these conversations were on the telephone, some of them were in person, but it was more than once.

Shanklin: More than once?

Baker: Yes sir.

Shanklin: Council, if that's true, I still don't believe that but I would apologize. I hope you haven't, you and Mr. Purcell haven't loaded this up because I'd want Mr. Purcell to take it also. He heard everything I said but the individual that supposedly I said it about. He could remember everything but the individual and I can look at anyone out there. I have not, I've tried to help, I've got more people hired than I have fired. Anyway, Council, he answered that one.

Purcell: Well, Mr. Mayor, I want to comment now. I don't appreciate that. If Mr. Shanklin will join me in asking for an investigation of this Council for violation of the Charter, I'll turn over to that special investigator, the name and the time and the dates when I heard you, sitting in the outer office of the City Manager and the Mayor, say that. As I told you before, I did not hear the name of the person you said that.

Shanklin: But you didn't know the date or time, you didn't know the date or time two weeks ago though.

Purcell: I would be glad to do that.

Shanklin: I asked you that explicit.

Purcell: I would be glad to do that if you want to call for an investigation.

Shanklin: Well, you've had time to make it up.

Purcell: Fine.

Shanklin: That's all there is, Mayor, on that one." (end verbatim portion)

9. Discuss action taken regarding an employee mis-using a buyer's card for purchases resulting in embezzlement.

Exhibits: None.

Shanklin said he would not have requested this item if he would have had a copy of the letter from the District Attorney on 6/27; the first time he saw that was this week. He said any time an infraction like this has occurred, it has always been brought to the Council, and the first thing that happened was 12/23/99. He said on 6/27/00, a letter comes from the District Attorney's Office outlining what happened; it still does not say who discovered the infraction, how, or what has been done to eliminate it in the future. Shanklin said seven or ten years ago, there was 89 days that the digester blew up where Mr. Baker did not inform the Council of that, and he did not know if this was the same type of thing. Shanklin asked Baker if he did not feel the Council should be informed.

Baker said he thought the Council should be fully informed and that he had done that very well over the last few years; Council was informed on this incident and several pieces of correspondence were sent to the Mayor and Council, and he has an entire file on it. He said this was sent to the Mayor and Council with a note from him telling the disposition with a copy of the District Attorney's letter; it went to all Councilmen. Shanklin said that was the only thing they got. Baker said no, it was not the only thing they got. Shanklin said on January 27 Baker said there would be no more City purchases but it does not say anything about embezzlement. Baker agreed. Shanklin said that was the only thing he had. Baker said he had never tried to keep anything from the Council that he thought the Council needed to know and he had gone out of his way to keep the Council informed on everything they needed to be informed on, including this. Baker said if Shanklin did not receive that, he did not know why and Shanklin has told him on many occasions he does not receive documents. Baker said his secretary distributes it to all the Council members, he does not distribute it, but he assured Shanklin that he had never been left out when he distributed those things and he did not think his secretary had either. Shanklin said he was satisfied.

10. Discuss reactive and proactive direction given to staff on code enforcement and take appropriate action. Exhibits: None.

Shanklin said he knew Council had voted on this four or five times. He read from a letter from Baker saying he would try to be responsive to him, that he felt he was non-responsive to his requests and would try to do better. Shanklin said he

appreciated that and wanted a response equal to other Council members and the public. He said he had turned them in and turned them in and nothing had every happened, and he did not know why. Shanklin said proactive does not mean a citation has to be written if someone is in non-compliance but the person could be told to address the problem; it is not a money-making venture.

Shanklin said there are trees that are about to fall into the street and the Assistant City Attorney had given information as to ownership of trees. He read a portion of the information and said some owners are going to be forced to do something with the trees and they are not able, physically or financially, to do so. Vincent said his employees discussed it further and there may be a possible solution; the City has the ability to go onto right of ways, like the DOC people are doing in the alleys, and trim back trees. Vincent said if an attempt is to be made to collect from the adjacent property owners, pursuant to Legal Opinion 99-12 that Ms. Jackson wrote, the notice procedure would have to be followed; on the other side of the coin, DOC or some other appropriate crew can trim the trees as long as they are in the right of way but they cannot go on private property.

Shanklin asked the meaning of "fee simple" and Vincent said it is like a person owning their house in fee simple title, and not being a renter. Vincent said there is a significant legal distinction between purchasing land in fee and purchasing a right of way or easement or receiving a dedication or grant, and the dedication or grant issue comes in on most of the parks.

Shanklin said the conclusion in the legal opinion shows that under Oklahoma law, a city may not use public money, which includes employees and/or equipment, for the benefit of private individuals. Shanklin asked if public money and employees can be used on easements. Vincent said an example is where PSO trims trees to get them away from power lines, or if a tree was obstructing a sewer line, it could be taken out, but just to trim a tree for aesthetic purposes, that cannot be done. Shanklin said he was speaking of dead trees along the side of the road, in the right of way or where limbs are hanging over the road. Vincent said the City can trim the limbs that hang over the road but cannot take out the tree itself; also, the City can require the owner to do it and there are options with this type of thing. Shanklin said this affects many elderly people living in the older part of town with large, old trees, and trees are dying due to the extreme weather. Mayor Powell suggested they may need to be considered individually.

11. Consider adopting an ordinance amending Chapter 22, Article 1, Section 4-144, relating to landfill fees, establishing a reduced fee for certain non-profit organizations. Exhibits: Ordinance 00-27.

MOVED by Smith, SECOND by Devine, to approve Ordinance 00-27, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance 00-27

An ordinance relating to landfill fees, amending Chapter 22, Article 1, Section 4-144 establishing a reduced landfill fee for certain non-profit organizations.

VOTE ON MOTION: AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

12. Consider adopting an ordinance amending Chapter 22, Article 1, Section 4-142, relating to refuse collection and container charges for non-dwelling users, establishing a rate for special events of limited duration. Exhibits: Ordinance 00-28.

MOVED by Purcell, SECOND by Smith, to approve Ordinance 00-28, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance 00-28

An ordinance amending Chapter 22, Article 1, Section 22-1-4-142, relating to refuse collection charges for business, industrial, commercial and other non-dwelling unit users, establishing a fee for the collection and rental of containers for special events.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider the following regarding Lawton's Centennial: 1) Authorizing solicitation of Requests for Proposals (RFP's) for Commemorative Book, and 2) Appropriating funds from Council Contingency for Contract Centennial Coordinator. Exhibits: 8/17/00 Memorandum from Mayor Powell.

Mayor Powell said a meeting was held with about 20 people, and Councilmembers Baxter and Shanklin are on the committee, along with others representing organizations. One item discussed was preparing a book with the history of Lawton-Fort Sill, showing pioneer families and other entities. A meeting was held with a book company representative, there is sufficient time to do this, and no dollar amount was discussed. The item seeks approval to solicit RFP's for the commemorative book; one was done for the 50 year celebration.

Mayor Powell said the other portion is to appropriate funds from Council Contingency to contract Centennial coordination. He said this will be a large project involving many organizations and events, and it will take a lot of time and needs to be extremely well coordinated. He said he was opposed to people tagging onto this as a money-making venture.

Purcell said he supported solicitation of RFP's for the book. He said he had a problem with the Centennial Coordinator for \$15,000 from Council Contingency; funds have been set aside each year and \$100,000 has accumulated. Purcell said a volunteer may be willing to do it, although it may be too much work, but before appropriating more money, Council needs to see a budget showing how much will be spent before starting to spend piece meal. He said if the budget is presented and the committee strongly feels a coordinator is needed, \$100,000 has been set aside for such expenses.

Mayor Powell said one of the tasks will be to prepare a budget, and discussions were held on having a souvenir shop in the museum, and the book, and one group has already requested \$10,000 for a stage production so the \$100,000 will disappear very rapidly. Purcell said before appropriating money, Council needs a budget in place on how much will be approved to spend.

Devine said it would be good for the Chamber of Commerce to coordinate it. Mayor Powell said the first meeting was Marilyn Fever, Gary Jackson, and Margaret Chalafant at Pappy's Corner, and this was discussed but the Chamber's plate is extremely full and running over.

Shanklin said it comes down to whether this will be a first class project, and suggested the \$15,000 come from the \$100,000 already set aside as Purcell mentioned. Mayor Powell said that could be done but with the things people will want to do, there may not be enough money. Devine asked where funds would go from sale of items, and Mayor Powell said hopefully it would come back to the City. Devine said at least some revenue would be coming back.

Smith asked if any more money would be put into the \$100,000 Centennial fund currently on hand, such as from next year's budget. He said he thought the goal was to have \$150,000. Baker said the Council committed to \$25,000 per year several years ago, and it has grown to \$100,000, so he would anticipate placing \$25,000 again in next year's budget for the Centennial. Smith said if it is delayed too long, it will be too late, so it should get started.

MOVED by Smith, SECOND by Devine, to authorize solicitation for RFP's for a Centennial book, and appropriate funds from Council Contingency, to be reimbursed from proceeds of sales, for a Centennial coordinator.

Moeller said Donna Watson has coordinated many successful events over the years, and she should be considered as a part of this. Mayor Powell said several will be considered and he would not be the one naming the coordinator. Baxter said the City will only be 100 years old once, and the \$15,000 should be approved.

Baker said this will be a contract employee, and for purposes of administrative functions, they need to report to someone. He asked if it was acceptable for the coordinator to report to him or his designated representative, which would probably be Mr. Jackson, and they would work closely with the task force. Council agreed.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: Purcell. MOTION CARRIED.

CONSENT AGENDA:

13. Consider the following damage claim recommended for denial: Shawana Knight. Exhibits: Legal Opinion/Recommendation. Action: Denial of claim.

14. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Glenn Pope, Phillip and Vanessa Schmitz, and George and Evelyn Smith. Exhibits: Legal Opinions/Recommendations. (Resolution 00-85 on file with City Clerk) Pope: \$323.26; Schmitz: \$190.50.

(Title only) Resolution 00-85

A resolution authorizing and directing the City Attorney to assist George F. and Evelyn M. Smith in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton, and authorizing the City Attorney to confess judgment therein in the reduced amount of Two Thousand Nine Hundred and no/100 Dollars (\$2,900.00).

15. Consider a resolution establishing a petty cash account for the Lakes Division of Public Works. Exhibits: Resolution 00-86.

(Title only) Resolution 00-86

A resolution authorizing the establishment of a petty cash account for the Lakes Division of Public Works.

16. Consider a resolution establishing a reduced landfill fee for certain non-profit organizations located within the boundaries of the City of Lawton. Exhibits: Resolution 00-87.

(Title only) Resolution 00-87

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, establishing a fee for refuse delivered to the landfill by certain non-profit organizations as defined in Chapter 22, Article 1, Section 22-1-4-144, Lawton City Code, 1995.

17. Consider a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended,

establishing a solid waste container rental and collection fee for special events of limited duration. Exhibits: Resolution 00-88.

(Title only) Resolution 00-88

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, establishing a solid waste container rental and collection fee for special events of limited duration.

ITEM 18 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

19. Consider approval of an amendment to the agreement between the City of Lawton and Crime Stoppers of Southwest Oklahoma, Inc. to receive funds from the sale of personal property in the custody of the Chief of Police. Exhibits: Amendment. Action: Approval.

ITEM 20 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

21. Consider approving a contract with Donald Knaack, artist for the Millennium Project, to participate as a performer at the 2000 International Festival and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. (Contract on file with City Clerk) Action: Approval.

ITEM 22 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

23. Consider approving a Release of Mortgage on residential properties belonging to Scottie D. and Senetta L. Rushing (owners) of 805 NW 35th Street, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. (Information on file with City Clerk) Action: Approval. (Owners repaid \$1,236.00 to allow for early release)

24. Consider a request by the Municipal Judge and Municipal Court Clerk to destroy certain court files and, if approved, adopt a resolution authorizing the same. Exhibits: Resolution 00-89.

(Title only) Resolution 00-89

A resolution authorizing the Municipal Judge and Municipal Court Clerk to dispose of certain Municipal Court documents as provided by law.

25. Consider awarding a construction contract to Krapff-Reynolds Construction Company for the Wisconsin Avenue & New York Avenue Waterline Replacement Project #2000-30. Exhibits: Map; Bid Tab. Action: Approval. Amount: \$120,927.50; CDBG Funds.

26. Consider accepting Ahlschlager Park Lighting System Project 2000-11 as constructed by Electro-Craft, Inc. and placing the Maintenance Bond into effect. Exhibits: Map. Action: Approval.

27. Consider rejecting proposals received for RFP CL01-011: Exclusive Vending Service Proposals. Exhibits: Memo; Summary of Proposals. Action: Reject proposals.

28. Consider approving the following contract extension: Lease of Office Facilities Agreement with Parks Jones Realty (CDBG-412 SW Lee Boulevard). Exhibits: None. Action: Approval.

29. Consider awarding contract for Sale of Boathouse. Exhibits: Recommendation; Bid Abstract. Action: Award to Alberta Annette Henderson.

30. Consider awarding contract for Banking Services. Exhibits: Recommendation; Bid Abstract. Action: Award to Local Oklahoma Bank.

31. Consider awarding contract for Bakery Products for City Jail. Exhibits: Recommendation; Bid Abstract. Action: Award to The Earthgrains Company.

32. Consider awarding contract for Prefabricated Refuse Container Bottoms. Exhibits: Recommendation; Bid Abstract. Action: Award to Wastequip-May Fab.

33. Consider awarding contract for Rental of Cleaning Supplies. Exhibits: Recommendation; Bid Abstract. Action: Award to RUS.

34. Consider approval of appointments to boards, trusts and commissions. Exhibits: Memo.

Lawton Arts & Humanities Council: Eve Sandstrom - 8/22/00 to 6/30/03; Astrid Davis - 8/22/00 to 6/30/02; Randy Erwin - 8/22/00 to 6/30/03

35. Consider approval of payroll for the period of August 7 through 20, and for August 21 through September 3, 2000. Exhibits: None.

Separate consideration was requested for Items 18, 20 and 22.

MOVED by Shanklin, SECOND by Smith, for approval of the Consent Agenda items as recommended with the exception of Items 18, 20 and 22. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

18. Consider approving a Letter of Agreement between the City and the Lawton/Fort Sill Chamber of Commerce and Mr. Keith Jackson for the sponsorship of the ASA Men's National Tournament to be held on September 1-3, 2000. Exhibits: Letter of Agreement.

Baxter said it is a great idea for the Chamber, the City and Mr. Jackson to have all of these agreements in writing for the upcoming softball tournament. He said Section 2, paragraph c, seems vague and he recommended a sentence be added. Vincent said a paragraph d would be added that would read "Collect all gate admission and other fees paid at the site of the tournament. All collections will be made by City employees assigned to perform such duties by the designated tournament coordinator." Vincent said the tournament coordinator is a City employee. Baxter said he wanted that employee to designate only a City employee to collect those gate admissions, not to designate a friend, and that should be perfectly clear. Vincent said it would be a staff member of Parks & Recreation appointed by Mr. Salva to serve as the tournament coordinator, and that person would select the gate attendees to collect the money for the City. Baxter said he wanted the gate attendee to be a City employee, not for it to be someone's friend out there collecting money.

Hanna asked how much the Chamber has paid in fees to acquire the tournament. He said a portion shows the City's responsibility for expenses will not exceed the total amount of team entry fees and gate fees collected for the tournament; how much are the fees. Hanna said there is language that seems to be double talk showing the City will be responsible for a whole lot of things but it does not say what the fees are or where the money is coming from or how the money would be repaid to the City. He asked how much the total gate fees and entry are expected to be; what are the City's expenses expected to be; will the City keep any of the funds if the expenses exceed the fees. Hanna said those questions arise from Section 1b alone.

Gary Salva, Parks & Recreation Department, said one sentence was intended to show that the City will only contribute in-kind services, and any revenue that comes in will be used to pay the expenses. The Chamber will be the actual paying body that will pay the bills.

Hanna asked how much the total entry and gate fees are expected to be, and if there is any idea as far as last year's tournament. Salva said last year there were 99 teams at two complexes, and this year it will probably be less than 35, and we are guessing between \$2,000 to \$3,000 in gate admissions and that would be on the high side. Mayor Powell asked the anticipated amount of team entry fees. Keith Jackson said each team pays \$225.

Hanna asked if the City gets back any of the funds that are collected. Salva said no, the City will collect the funds, and after the bills are approved, the money will be turned over to the Chamber.

Moeller requested a full report after the tournament is over because it does not appear that anyone knows the amount of the costs, and it should be itemized. She suggested if there is a profit, since the City is providing in-kind services, perhaps a proportionate amount should be used by the City to improve the park with items such as bleachers. Salva said it is doubtful that a profit will be made; last year the Chamber paid \$15,000 to purchase the tournament and after the bills were paid, they went over \$20,000 in the hole. Mayor Powell asked for the itemized report as Moeller had requested. Devine said the agreement calls for a report to ASA after completion. Shanklin said a detailed report was provided last year.

MOVED by Smith, SECOND by Baxter, to approve the agreement as amended. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

20. Consider approving contracts with Shati, Queen Anne's Lace, and the Polka Kings to participate as performers at the 2000 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: None. (Contracts on file with City Clerk)

22. Consider approving contract for the following to participate as performers at the 2000 International Festival and authorize the Mayor and City Clerk to execute the agreements: Michael Kern, Steel Drum Band, and Deborah Beever. Exhibits: None. (Contracts on file with City Clerk)

Moeller said the funding source is shown as the City of Lawton, and asked what fund was referenced. Salva said it is through the operating budget of Arts & Humanities.

MOVED by Moeller, SECOND by Smith, to approve Items 20 and 22. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

LTC Puckett said Item 4 was for a professional services agreement with a consultant for a lobbyist. He asked how Fort Sill could be involved in filling this need. Mayor Powell said he knew Fort Sill had a grant writer at McNair Hall, and had been told the person had exceptional capabilities. He asked if LTC Puckett could provide information in regard to those services

to Baker.

LTC Puckett asked if Fort Sill had established a point of contact with regard to the Centennial. Mayor Powell said he had discussed it with the General, and that Colonel Raulston attended the meeting last week, and apologized for not having talked with LTC Puckett in this regard.

Purcell said several Council and staff members attended an event for the National Guard and Reserves and it was very beneficial and informative.

Smith congratulated the City and Coop Partner Softball Team for winning for the second straight year in the Coop Tournament. He said an elderly lady passed out at lunch today, he called 911 and people came to take care of her, but the police officer, after the lady was released by the medical staff, took the lady by her arm and escorted her to her vehicle. Smith said the comments from those in the restaurant about the officer were very nice and he will be publicly commended.

Devine said a letter had been distributed from Dr. Woessner.

Shanklin said information had been distributed about Republic Paper and asked if the problems had been solved with sewer discharge and the water in the materials being taken to the landfill. Jerry Ihler, Public Works Director, said Republic is using approximately 1.5 million mgd in water, they are working on getting the correct percent solids for material taken to the landfill, but the problems are at the Wastewater Treatment Plant. Ihler said Republic is treating more wastewater than their plant is capable of treating and staff is working with them in that regard; information is being sent to Republic's manager with regard to sending their pulp to the Wastewater Treatment Plant. Mayor Powell asked if they were working toward solving the problem. Ihler said staff was working with them closely and had made some suggestions but it was staff's opinion that they were sending more waste through the plant than it is able to handle, and that is strictly an opinion. Baker said Council would receive copies of correspondence between the City and Republic tomorrow; there have been problems with compliance with the industrial pretreatment program.

Shanklin said he asked that Council receive copies of water revenue for the last three years; July 2000 Mr. Carson says we billed \$731,735 but another entry shows \$1,006,000, then the total utility revenue was \$1,902,000 but Mr. Livingston shows \$2,019,000. He asked for clarification, and said \$500,000 is paid per year for late charges and it could be used to buy water meters to make more money. Steve Livingston, Finance Director, said he knew questions would arise when Mr. Carson gave information from his computer run on the number of dollars billed, and it is not broken into the detail on what is put in the bank. Livingston said he would have Mr. Carson reconcile this number and he had cautioned employees in the past about putting out numbers like this because it is misleading. Livingston said the amount shown on the revenue report is the exact amount of money that is deposited in the City's bank account and broken down correctly. Livingston said the information from Carson's computer run includes other items that are broken out in a separate way when they are finally billed, and Carson will do a reconciliation.

Shanklin presented a "screamer" and said a week ago tonight he and Baker were at 13th and Lake running off the egrets using this device. He explained the operation involved and said it was effective in removing birds from a location, although they then go to another. Shanklin said he wanted the City Manager to allow him to continue to use the device to remove birds and Baker agreed.

Devine said he had taken some brush to the landfill and observed the work in progress in establishing the new cells, liners, and so forth. He encouraged Council members to look at the work.

BUSINESS ITEMS:

36. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled Donnette Lynn Gordon v. Jeffrey Scott Porter and City of Lawton, Case No. CS-2000-365, filed in the District Court of Comanche County, and, if necessary, take appropriate action in open session. Exhibits: None.

38. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to evaluate the performance of the City Manager, City Clerk, City Attorney, and Municipal Judge; and, take action as necessary in open session. Exhibits: None.

MOVED by Shanklin, SECOND by Devine, to convene in executive session to consider the items shown on the agenda and recommended by the legal staff. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:25 p.m. and reconvened in regular, open session at approximately 9:50 p.m. with roll call reflecting all members present.

On Item 36, Vincent reported that pursuant to Section 307B.2, Title 25, Oklahoma Statutes, the Council entered into executive session to discuss on-going negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton. He said the Council was presented with three options; option one

was to accept the Union's counter proposal, and in this regard he would suggest a motion to accept the Union's counter proposal subject to the City's negotiating team clarifying any ambiguities in the language and prepare a formal agreement, and authorize the Mayor and City Clerk to execute the agreement.

MOVED by Devine, SECOND by Baxter, to accept the Union's counter proposal subject to the City's negotiating team clarifying any ambiguities in the language and prepare a formal agreement, and authorize the Mayor and City Clerk to execute the agreement.

SUBSTITUTE MOTION by Shanklin, SECOND by Purcell, to pay the 6% on the educational whenever they receive it at whatever that base pay is, and the \$60 a pay period when they attain the certification for EMT, and the appropriation that we can only do this for one year at a time and that it stays as it is and the money will have to be reappropriated each year from then on for the three years.

Baxter asked which option that was. Vincent said it would really be option two. Shanklin said they were taking everything and he was not. Vincent said as he understood Shanklin's substitute motion it would be to reject the counter offer and direct the negotiating team to go back with these proposals. Shanklin said with that proposal, that the 6% will be paid at the time that they graduate at whatever pay rank they are; that will maintain and give the new hires \$60 when they reach the certification of the EMT, and appropriations for the second and third year will have to be done by a future Council because we can only do one year at a time.

Purcell said the substitute motion on the pay for education was basically the same one Devine made last time that the Council voted as the best and final; when they get the degree or 60 hours, we figure 6% and that becomes the dollar amount and that is what they get. Shanklin said it is locked in. Purcell agreed and said he had just wanted clarification.

Original Motion was withdrawn by Devine. Baxter withdrew the second. The substitute motion by Shanklin, second by Purcell, became the primary motion at this point.

Vincent said for clarification, the motion on the floor is to reject the Union's counter proposal and direct the negotiating team to go back with the 6% at the time of receipt of the degree and \$60 at the time of certification for EMT. Shanklin said also to understand the appropriation. Purcell said you are saying degree, which makes it more restrictive than they wanted it, it was the 60 hours. Vincent said it should be the 60 hours or the degree; it would be 6% frozen as of the date of qualification for educational incentive.

Baxter said if we are going to do that, there are some other language clarifications that need to be cleaned up on the first item, and asked Jackson if that was correct. Jackson said he was not sure that would be consistent with Shanklin's motion, because the motion was to make each year a separate funding. Vincent said item one on the counter proposal was to clarify the language on when they could exercise the option for the second and third year, and asked Shanklin if that was consistent with his motion. Shanklin said yes.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Hanna, Devine, Purcell. NAY: Smith. MOTION CARRIED.

On Item 37, Vincent reported pursuant to Section 307B.4, Title 25, Oklahoma Statutes, we entered into executive session to discuss the case styled Donnette Lynn Gordon v. Jeffrey Scott Porter and City of Lawton, Case No. CS-2000-365, filed in the District Court of Comanche County. No action is required at this time.

On Item 38, Mayor Powell reported no action is needed.

There being no further business to consider, the meeting adjourned at 9:57 p.m. upon motion, second and roll call vote.